



OPI/164

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Carl H. June *et al.*

Serial No.: 09/350,202

Filed: July 8, 1999

For: *Methods for Selectively Stimulating Proliferation of T Cells*

Attorney Docket No.: RPI-002CP2CN2

Group Art Unit: 1644

Examiner: Gambel, P. **RECEIVED**

OCT 27 2000

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RECEIVEDAssistant Commissioner for Patents
Washington, D.C. 20231

OCT 30 2000

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10/23/00
Date of Signature and of Mail Deposit

By:

Amy E. Mandragouras
Reg. No. 36207
Attorney for Applicants**AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action dated September 22, 2000 (Paper No. 4). Prior to examination of the above-identified application, please amend the application as follows:

In the claims:

Please cancel claim 1 without prejudice.

Restriction Requirement

The Examiner has required restriction to one of the following species.

Wherein the second agent is:



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October 23, 2000

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Assistant Commissioner for Patents
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Re: U.S. Patent Application Serial No.: 09/350,202
Methods for Selectively Stimulating Proliferation of T Cells
By: Carl H. June, Craig B. Thompson, Gary J. Nabel, Gary S. Gray,
and Paul D. Rennert
Filing Date: July 8, 1999
Our Ref.: RPI-002CP2CN2

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Dear Sir:

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I enclose herewith for filing in the above-identified application the following:

1. Amendment and Response to Restriction Requirement; and
2. Return receipt postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on:

10/23/00

Amy E. Mandragouras, Esq., Reg. No. 36,207

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Amy E. Mandragouras
Reg. No. 36,207
Attorney for Applicants

Enclosures



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-2-

Group Art Unit:1644

- (a) Anti-CD28 antibodies; or
- (b) A stimulatory form of a natural ligand for CD28.

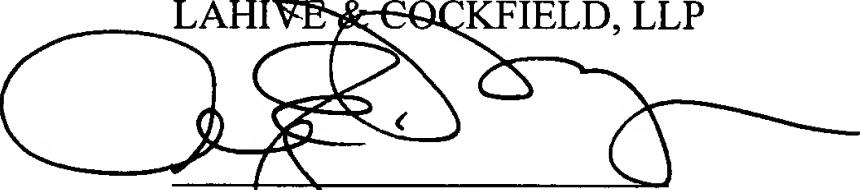
Applicants elect species (a) *i.e.*, anti-CD28 antibodies, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Claims 50-55, 57, and 58 read on the elected species.

It is the Applicants' understanding that under 35 U.S.C. § 121, an election of a single species for prosecution on the merits is required, to which the claims will be restricted if no generic claim is finally held allowable. Applicants submit that claim 50 is generic. Applicants further understand that upon the allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.41 *et seq.*

SUMMARY

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the examiner is urged to call Applicants' Attorney at (617) 227-7400.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP



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Date: October 23, 2000